



Department of Planning, Building and Code Enforcement  
801 North First Street, Room 400  
San José, California 95110-1795

Hearing Date/Agenda Number:  
P.C. 7/28/03      Item: 3e

File Number:  
GP03-07-01

Council District and SNI Area:  
7 – N/A

Major Thoroughfares Map Number:  
100

Assessor's Parcel Number(s):  
299-19-029

Project Manager: David Tymn

## GENERAL PLAN REPORT

### 2003 Summer Review

#### PROJECT DESCRIPTION:

General Plan amendment request to change the Land Use/Transportation Diagram designation from Medium Low Density Residential (8 DU/AC) to Medium Density Residential (8-16 DU/AC) on 0.9 acres.

**LOCATION:** East side of McLaughlin Avenue, approximately 100 feet northerly of Candia Drive.

**ACREAGE:** 0.9

#### APPLICANT/OWNER:

The Schoennauer Company/ Bhupindar and Rajinder Dhillon

#### GENERAL PLAN LAND USE / TRANSPORTATION DIAGRAM DESIGNATION:

Existing Designation: Medium Low Density Residential (8 DU/AC)

Proposed Designation: Medium Density Residential (8-16 DU/AC)

**EXISTING ZONING DISTRICT(S):** R-1-8 Residence (single-family)

#### SURROUNDING LAND USES AND GENERAL PLAN DESIGNATION(S):

North: Single Family Residential, Church, Commercial, and Industrial Park –

Medium Low Density Residential (8 DU/AC), General Commercial, Combined Industrial-Commercial

South: Single Family Residential – Medium Low Density Residential (8 DU/AC)

East: Single Family Residential – Medium Low Density Residential (8 DU/AC)

West: Single Family Residential – Medium Low Density Residential (8 DU/AC)

#### ENVIRONMENTAL REVIEW STATUS:

Mitigated Negative Declaration adopted on March 17, 2003.

#### PLANNING STAFF RECOMMENDATION:

Medium Density Residential (8-16 DU/AC) on 2.5 acres.

Approved by:

Date:

#### PLANNING COMMISSION RECOMMENDATION:

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**CITY COUNCIL ACTION:**

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**CITY DEPARTMENT AND PUBLIC AGENCY COMMENTS RECEIVED:**

- Department of Transportation – The proposed land use change would not result in a long-term traffic impact.
- Department of Public Works – The site is not in a Flood Zone, Geologic Hazard Zone, or Landslide zone. It has adequate storm and sanitary sewer capacity, and has no major access constraints.
- Valley Transportation Agency – VTA supports the proposal for higher density residential uses at this site.

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**GENERAL CORRESPONDENCE:**

- Samuel Boot - Letter dated February 18, 2003 expressing his objection as a longtime resident concerned about traffic and density. He prefers no density change.
- Michael Zoldak – Letter dated February 26, 2003 expressing concerns about traffic safety and parking from the nearby church. He also states that the new project will be two-story residences that will not be compatible with the existing one-story houses in the neighborhood.
- MCNA – Letter from Helen Bliven, President of the McLaughlin Corridor Neighborhood Association to the applicant, dated June 26, 2003, indicating that they “will not lend support” to the amendment. They express concern regarding the project’s impact on traffic, school class sizes, and the overcrowding of existing single-family homes in the neighborhood.

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**ANALYSIS AND RECOMMENDATIONS:**

**PROJECT DESCRIPTION**

This is a privately initiated General Plan amendment to change the *San Jose 2020 General Plan* Land Use/Transportation Diagram designation from Medium Low Density Residential (8 DU/AC) to Medium Density Residential (8-16 DU/AC) on a 0.9-acre site located on the east side of McLaughlin Avenue, approximately 100 feet northerly of Candia Drive.

The existing General Plan designation for this property is Medium Low Density Residential (8 DU/AC) which is typified by single-family homes on 6,000 square foot lots. This density is prevalent throughout San Jose and represents the majority of single-family residential subdivisions constructed in the 1960’s and 1970’s.

The proposed Medium Density Residential (8-16 DU/AC) land use designation is the next higher residential density range and could potentially be developed with one of a variety of different housing types, including single-family detached homes, courthomes, duplexes, rowhouses or townhouses. This is the typical density at which most new single-family residential is developed in San Jose. Approval of this amendment could potentially allow a maximum of 14 units on the 0.9-acre site versus 7 units which would be potentially allowed under the existing Medium Low Density Residential (8 DU/AC).



Examples of 8-16 DU/AC projects in San Jose.

## **BACKGROUND**

This item was deferred from the Spring 2003 hearing at the applicant's request. The deferral was requested to allow time for the applicant to meet with residents in the adjoining neighborhood.

### **Site and Surrounding Uses**

The site is a 0.9-acre rectangular shaped lot with an older single-family home and associated accessory structures. The property has frontages on both McLaughlin Avenue and Loomis Drive.



The site is surrounded by an existing single-family residential neighborhood to the south, west and east consisting of single-story homes on 6,000 square foot lots. To the north of the site are two large parcels similar in shape and size to the amendment site. They are each developed with older single-family residences. Further north on McLaughlin Avenue there is a church with associated parking.

McLaughlin Avenue is designated on the General Plan Land Use/Transportation Diagram as a Minor Arterial (80-106 ft.) from I-280 to Yerba Buena Road. In other words, McLaughlin is an important part of the City's transportation network, connecting residential neighborhoods to commercial areas and to freeways and other regional facilities. A bicycle lane is planned for McLaughlin Avenue from William Street to Tully Road.

## **ANALYSIS**

### **Land Use Compatibility**

The key issue with the proposed amendment is the compatibility of slightly a higher residential density in an area that is predominantly single-family homes. In staff's evaluation of this issue, staff needs to consider how the amendment satisfies General Plan Residential Land Use Policy No. 9 which states that when changes in residential densities are proposed, the City should consider such factors as neighborhood character and identity, compatibility of land uses and impacts on livability.

An increase in density from Medium Low Density Residential (8 DU/AC) to Medium Density Residential (8-16 DU/AC) would be consistent with the neighborhood character and identity of the broader neighborhood because single-family homes are the typical housing type constructed in both density ranges, whether in the traditional configuration or surrounding a common driveway. Although lot sizes would be smaller under the Medium Density Residential (8-16 DU/AC) designation than the surrounding neighborhood, the general character of the land use (i.e., single-family homes) would be the same.

In terms of “livability,” some members of the community have expressed concerns about two-story homes being constructed on the site when the neighborhood is currently single-story homes. While the neighborhood consists primarily of single-story houses, it is possible for any of these houses to be remodeled to add a second story through the building permit process, without a public hearing.

In addition, if the City Council approved this amendment, a developer would be required to submit a rezoning application to the City for their specific development of the site. This application would be analyzed by Planning staff and subject to community meetings and public hearings. In staff’s analysis of a specific development, staff must determine the project’s compliance with the General Plan, the Zoning Code, Residential Design Guidelines, and other City policies. “Infill” development on parcels within an existing neighborhood, such as the McLaughlin site, raise many design questions, and the policy documents mentioned above contain policies, codes, and guidelines to ensure compatible development on a site in the context of its surroundings.

For example, the Residential Design Guidelines emphasize that the architectural design of new development must take into account the single-family character and scale of the surrounding development. While of a slightly higher density, new residential development can be designed to appear as a logical extension of the existing neighborhood. New structures should have appropriate architectural design, setbacks (i.e., distances to other structures, sidewalks, etc.), and orientation to the street and other buildings that are comparable to the pattern of development in the surrounding neighborhood.

The intent of the Residential Design Guidelines is to enhance the quality of existing neighborhoods by promoting new residential development that protects and reinforces the desirable attributes of existing neighborhoods. The Guidelines include development standards that promote:

- The gradual transitions between existing and new development.
- The protection of the privacy of adjacent residents by greater setbacks for 2–story structures.
- The comparable orientation of new development to the existing neighborhood.
- The determination of appropriate building materials and landscaping.

In addition, the Residential Design Guidelines address the specific design challenges resulting from different single-family housing types that could occur within the proposed Medium Density Residential (8-16 DU/AC) designation, including single-family detached and attached houses, courthomes, and rowhouses. Specific standards exist for perimeter setbacks, parking and building orientation for these different housing types. Compliance with these guidelines would be analyzed at the time specific development is proposed.

For the reasons stated above, staff has determined that the proposed amendment is compatible with its surroundings. Regardless of the final Council action on this General Plan amendment, the community is encouraged to stay engaged, working with the property owner, potential future developers and staff, to create the best development possible for the site.



## Policy Consistency

The applicant's proposal and its expansion to a 2.5-acre site is consistent with several of the General Plan's Major Strategies, including Growth Management, Housing, Sustainable City, and Urban Conservation/Preservation. The first three of these Strategies support the increase of residential densities in appropriate locations, the provision of a variety of housing types for various economic segments of the community, and the efficient use of existing infrastructure in infill, urbanized areas where urban facilities and services are already available. In addition, the proposed General Plan amendment provides an opportunity to increase the housing supply in San Jose through a modest increase in density.

The proposed amendment also supports the Urban Conservation/Preservation Major Strategy, which seeks to sustain San Jose's unique neighborhoods. The Urban Conservation/Preservation Major Strategy would be furthered through the eventual development of the site with homes that are well-designed and integrated with the existing neighborhood.

## Staff Recommended Amendment Expansion

The subject site is similar in size and shape to two adjoining parcels to the north. The approval of a higher density on the site proposed by the applicant would set a clear precedent for increased density on these two similarly situated sites to the north. Therefore, staff is recommending that the area proposed for change from Medium Low Density Residential (8 DU/AC) to Medium High Density Residential (8-16 DU/AC) be expanded from 0.9 to 2.5 acres to include the two adjacent northerly parcels.



The expansion of the amendment allows for a comprehensive assessment of an increase in residential density on this larger area that would likely be encouraged by the development of 0.9-acre site. The potential precedent that would be set by such a development is the reason that the General Plan Discretionary Use Policy known as the "Two Acre Rule," allowing for higher residential densities on residentially designated sites of two acres or less, is not appropriate in this case. The Discretionary Alternate Use Policies are intended to be infrequently used and only when the alternate use is clearly compatible with the surrounding uses. The General Plan amendment process provides the opportunity to fully analyze the potential implications that an increase in density may have on a site and the surrounding area, and engage the community in the policy issue.

The designation of the larger area for Medium Density Residential (8-16 DU/AC) may encourage a cohesive development of all three parcels with the potential for consolidated vehicle circulation, a minimal number of driveways, and a consistent architectural design. A larger site also provides a greater area to provide more private open space, landscaping and other amenities that can improve future development and relationship with the existing neighborhood. Future development proposals would be subject to the Residential Design Guidelines to ensure adequate setbacks from adjoining uses, sufficient parking, and both public and private open space.

## **ENVIRONMENTAL ISSUES**

The proposed change in the General Plan land use designation on the subject site was analyzed in an initial study that resulted in a Mitigated Negative Declaration. A traffic analysis was conducted and determined that there is no potential impact to the regional transportation system in the long term as a result of the proposed amendment. Prior to any development of the site, more detailed traffic analysis would be required to determine if any mitigation is needed for any impacts on local intersections and streets. At this project stage, specific issues of traffic safety and turning movements would be addressed.

## **PUBLIC OUTREACH**

The property owners and occupants within a 1,000-foot radius were sent a newsletter regarding the two community meetings that were held on February 24 and 26, and again on June 24, 2003. They also received a notice of the Mitigated Negative Declaration and a notice of the public hearings to be held on the subject amendment before the Planning Commission in July and City Council in August. In addition, the Department's web-site contains information regarding the General Plan process, amendments, staff reports, and hearing schedule. This site is available to any member of the public and contains the most current information regarding the status of the amendments.

In various telephone conversations prior to deferral from the spring hearing, approximately eight community members expressed concern regarding increased density in the predominantly single-family residential neighborhood. Concerns were also expressed about more traffic turning off and onto McLaughlin Avenue into the existing neighborhoods and the possibility that a future project may also take access from Culpepper Drive and Loomis Drive.

Two additional community meetings were held with the McLaughlin Corridor Neighborhood Association (MCNA). These meetings were initiated by the applicant and were held on May 29 (attended by Planning Staff) with the MCNA Board and on June 12 with the general membership of the MCNA. A letter of from this neighborhood association stating their lack of support is attached.

## **RECOMMENDATION**

Planning staff recommends approval of the applicant's proposal for a change to the General Plan Land Use designation from Medium Low Density (8 DU/AC) to Medium Density Residential (8-16 DU/AC) on the subject 0.9 acre site and recommends that the Medium Density Residential (8-16 DU/AC) designation be expanded to the two adjacent parcels to the north (parcels 499-19-030 and 499-19-031) for a total of 2.5 acres.

### **Attachments**

PBCE002/GP\_Team/2003Annual Review/Staff Reports/Summer Review/GP03-07-01.sr.doc

